

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TARA S. MOON,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security

Defendant.

CASE NO. 3:15-CV-05218-DWC

**ORDER ON PLAINTIFF'S MOTION
FOR EAJA FEES AND COSTS AND
STIPULATED MOTION FOR EAJA
FEES AND COSTS**

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13. *See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6.

This matter is before the Court on Plaintiff's Motion for EAJA Fees and Costs (Dkt. 28) and Plaintiff's Stipulated Motion for EAJA Fees and Costs (Dkt. 29). Defendant stipulates and agrees to Plaintiff's Stipulated Motion, which includes a reduced amount for attorney fees than what was initially requested by Plaintiff. Dkt. 29.

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), Plaintiff’s stipulated motion (Dkt. 29), the Declaration of Elie Halpern (Dkt. 29, Exh. 2), Plaintiff’s

1 Retainer Agreement, (Dkt. 29, Exh. 7), attorney time and expense itemizations (Dkt. 29, Exh. 3,
2 4, & 5), and the relevant record, the Court orders EAJA attorney's fees of \$8,500.00 be awarded
3 to Plaintiff pursuant to EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524 (2010)
4 ("EAJA Award"). As the Court grants Plaintiff's Stipulated Motion for EAJA Fees and Costs
5 (Dkt. 29), and as Plaintiff has voluntarily withdrawn his prior Motion for EAJA Fees and Costs
6 (Dkt. 30), Plaintiff's Motion for EAJA Fees and Costs (Dkt. 28) is denied as moot.

7 The Acting Commissioner agrees to contact the Department of Treasury after this Order
8 is entered to determine if the EAJA Award is subject to any offset. If the U.S. Department of the
9 Treasury verifies to the Office of General Counsel that Plaintiff does not owe a debt, the
10 government will honor Plaintiff's assignment of EAJA Award and pay the EAJA Award directly
11 to Elie Halpern & Associates, PLLC. If there is an offset, any remainder shall be made payable
12 to Plaintiff, based on the Department of the Treasury's Offset Program and standard practices,
13 and the check shall be mailed to Plaintiff's counsel, Elie Halpern, Christopher Dellert, & Jeffrey
14 Baird, Elie Halpern & Associates, PLLC, 1800 Cooper Pt. Road SW, Bldg. 19, Olympia, WA
15 98502.

16 Dated this 2nd day of March, 2016.

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19 David W. Christel
United States Magistrate Judge
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